

**Tempe City Council
Formal Council Meeting
Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street, Tempe, Arizona
Thursday, November 18, 2010
7:30 PM**

Members of the City Council may attend either in person or by telephone conference call.

1. INVOCATION - Councilmember Arredondo-Savage

2. PLEDGE OF ALLEGIANCE

3. MINUTES - Councilmember Ellis

A. Approval of Council Meeting Minutes

1. [Formal Council Meeting - November 4, 2010](#)
2. [Issue Review Session - November 4, 2010](#)
3. Executive Session - November 4, 2010

B. Acceptance of Board & Commission Meeting Minutes

1. [Committee for Youth, Families and Community Marketing Sub-Committee - August 10, 2010](#)
2. [Historical Museum Advisory Board - September 2, 2010](#)
3. [Hearing Officer - September 21, 2010](#)
4. [Double Butte Cemetery Tour Historical Museum Advisory Subcommittee - September 28, 2010](#)
5. [Neighborhood Advisory Commission - October 6, 2010](#)
6. [Police Public Safety Personnel Retirement Board - October 7, 2010](#)
7. [Historic Preservation Commission - October 14, 2010](#)
8. [Mayor's Youth Advisory Commission - October 19, 2010](#)
9. [Special Event Task Force - November 2, 2010](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

1. Clean Air Campaign Award - Western Canal Multi-use Path Project

B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. Miscellaneous Items

- A1. [Request approval of the Report of Claims Paid to be filed for audit for October 2010.](#)

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|----------------------|---|
| COMMENTS | N/A |
| DOCUMENT NAME | 20101118fsnw01 ACCOUNTS PAYABLE (0208-01) |

- *A2. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for MM Mill Ave, LP, dba Mellow Mushroom Pizza Bakers, 740 South Mill Avenue, #D60.](#)

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|----------------------|--|
| COMMENTS | Jay Peter Beskind is the Agent for this application. |
| DOCUMENT NAME | 20101118fsap01 Mellow 124864 – LIQ LIC (0210-02) |

- *A3. **DELETED**
(Public hearing to recommend the approval of a Series 12 restaurant liquor license for My Buddy III, LLC, dba Zens Café East, 19 East Broadway Road.)

- *A4. **DELETED**
(Public hearing to recommend the approval of a Series 06 bar liquor license for HAULU, LLC, dba Crave Cafe & Lounge, 505 South Mill Avenue)

- *A5. [This is a public hearing to recommend the approval of a Series 09S liquor store sampling privileges liquor license for Sun Stop Liquor, 1212 East Apache Boulevard #1.](#)

| | |
|----------------------|--|
| COMMENTS | Himdad Hamad is the Agent for this application. |
| DOCUMENT NAME | 20101118fsap04 Sun Stop - 110215 – LIQ LIC (0210-02) |

B. Award of Bids/Contracts

- B1. [Request approval of a nine-month contract renewal with Pinnacle Risk Management Services for third-party claims administration services for employee workers' compensation claims administered by the Finance and Technology Department.](#)

- COMMENTS** Total cost for this contract will not exceed \$55,000 during the nine-month contract term.
DOCUMENT NAME 20101118fst02 PURCHASES (1004-01)
- B2. [Request approval of a one-year renewal of a contract with MeadWestvaco Specialty Chemicals for powdered activate carbon for use by the Public Works Department.](#)
- COMMENTS** Total cost of this contract shall not exceed \$1,900,000 during the one-year contract renewal.
DOCUMENT NAME 20101118fst08 PURCHASES (1004-01)
- B3. [Request approval of one-year renewal of contracts with Pro Petroleum, Supreme Oil and Western Refining for the purchase of vehicle and equipment fuels.](#)
- COMMENTS** Total cost of these contracts will not exceed \$4,000,000 during the contract period.
DOCUMENT NAME 20101104fst03 PURCHASES (1004-01)
- B4. [Request approval to utilize a six-month City of Peoria contract with Metering Services, Inc. for large water meter testing, installation, repair and replacement services for the Finance and Technology Department.](#)
- COMMENTS** Total value of this contract will not exceed \$55,000 during the six-month term.
DOCUMENT NAME 20101118fst03 PURCHASES (1004-01)
- B5. [Request award of a design services contract with Black & Veatch Corporation for Ken McDonald Golf Course reclaimed water recharge wells nos. 2 and 3.](#)
- COMMENTS** Total cost for the design services contract is \$232,618.
DOCUMENT NAME 20101118pwdr04 WELLS – CONSTRUCTION/MAINTENANCE (0811-01) PROJECT NO. 3209302
- B6. [Request approval to award two-year contracts with three, one-year renewal options to Ewing Irrigation Products, Horizon and Sprinkler World for sprinkler parts used by the Parks Division of the Public Works Department](#)
- COMMENTS** Total cost for the combined contracts shall not exceed \$120,000 during the initial two-year contract term.
DOCUMENT NAME 20101118fslg01 PURCHASES (1004-01)
- B7. [Request approval of job order no. 7 with Pierson Construction Corporation for 4" water valve and waterline replacement/repair at northbound McClintock Drive at U.S. 60.](#)
- COMMENTS** Total amount of job order no. 7 is \$69,724.19 and the project contingency amount is \$3,500.
DOCUMENT NAME 20101118pwdr03 ENGINEERING ADMINISTRATION (0803-02) PROJECT NO. 3203862
- B8. [Request award of a professional design services contract with Wood, Patel & Associates, Inc.](#)

[for phase one of a Veterans Memorial at Tempe Beach Park.](#)

COMMENTS The total cost for this design contract is \$79,070.
DOCUMENT NAME 20101118pwdr06 VETERANS MEMORIAL (0112-07-07) PROJECT NO. 6503981

- B9. [Request approval of the executable contract with Allegiance Benefit Plan Management, Inc./CIGNA, the City's provider for a Preferred Provider Organization \(PPO\) medical network, Exclusive Provider Organization \(EPO\) medical network, Flexible Spending Account \(FSA\) administration and Consolidated Omnibus Budget Reconciliation Act \(COBRA\) administration services for eligible City employees, pre-Medicare retirees and eligible dependants.](#)

COMMENTS Total cost of this contract will not exceed \$15,000,000 during the one-year contract which began July 1, 2010.
DOCUMENT NAME 20101118fsta07 PURCHASES (1004-01)

- B10. [Request approval of job order no. 10 with Caliente Construction, Inc. for remote site SCADA system replacement phase II.](#)

COMMENTS Total amount of job order no. 10 is \$599,104 and the project contingency amount is \$30,000.
DOCUMENT NAME 20101118pwdr02 ENGINEERING ADMINISTRATION (0803-02) PROJECT NO. 3202031

- B11. [Request approval to award a one-year contract with four, one-year renewal options to Arizona Elevator Solutions for the inspection, service, testing, certification and repair of City elevators and lifts for use by the Public Works Department.](#)

COMMENTS Total value of this contract will not exceed \$70,000 during the initial one-year contract period. Approximately \$50,000 will be for preventative maintenance work and state required testing and compliance certification, \$20,000 is estimated for routine repairs of equipment.
DOCUMENT NAME 20101118fsta05 PURCHASES (1004-01)

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *C1. [This is the introduction and first public hearing to amend Chapter 16 of the Tempe City Code relating to License, Privilege and Excise Taxes by amending Section 16-595. The second public hearing is scheduled for December 9, 2010.](#)

COMMENTS These proposed changes apply the modifications to Model City Tax Code Section 595(c) adopted by the Municipal Tax Code Commission to Tempe's Tax Code.
DOCUMENT NAME 20101118fspf01 TCC CH 16 - LICENSES, TAXATION & MISC BUS REGS, ETC. (0503-16) Ordinance No. 2010.47

- *C2. [This is the introduction and first public hearing for an Amended Planned Area Development Overlay for Newberry Terrace located at 1203 East Spence Avenue. The second public hearing is scheduled for December 9, 2010.](#)

COMMENTS

Request by NEWBERRY TERRACE (PL100294) (Pat Barker, Barton Homes, property owner/applicant) for the demolition of two (2) existing homes for six (6) new single-family units consisting of a two-story design within 1,719 sf. of building area per unit on a total of 0.45 acres, located at 1203 East Spence Avenue, in the R-4, Multi-Family Residential General District and Transportation Overlay District. The request includes the following:

PAD10010 – (Ordinance 2010.42) An Amended Planned Area Development Overlay for modification to development standards to reduce the front yard setbacks from 20'-0" to 10'-0"; reduce the side yard setbacks from 10'-0" to 5'-0"; increase the rear yard setbacks from 10'-0" to 14'-0"; and reduce the required parking setback from 20'-0" to 10'-0".

DOCUMENT NAME

20101118cdri01 PLANNED DEVELOPMENT (0406) Ordinance No. 2010.42

- *C3. [This is the introduction and first public hearing to amend Chapter 26 of the Tempe City Code relating to abandoned or unclaimed property by amending Section 26-51 and 26-53.1; and adding a new Section 26-53.2 relating to disposition of unclaimed and forfeited firearms. The second public hearing is scheduled for December 9, 2010.](#)

COMMENTS

N/A

DOCUMENT NAME

20101118pdmk04 TCC CH 26 – POLICE (0503-26-00) Ordinance No. 2010.46

D. Ordinances and Items for Second Hearing/Final Adoption

- *D1. [This is the second and final public hearing to adopt an ordinance authorizing the conveyance of certain real property owned by the City to Farmer Arts, LLC, and authorizing the Mayor to execute the requisite documents. Farmer Arts LLC and the City of Tempe are parties to a Development and Disposition Agreement that allows the conveyance of City property to Farmer Arts LLC.](#)

COMMENTS

The second amendment to the Development and Disposition authorizes the sale of all or part of the parcel of land bounded by University Drive on the south, Farmer Avenue on the west, 5th Street on the north, and 35 feet west of the Union Pacific railroad tracks on the east. Developer has initially requested a conveyance of two of the 4 parcels located within Parcel 1.

DOCUMENT NAME

20101104cdaws01 TEMPE PACKING SITE - FIFTH AND FARMER (0403-02-09) Ordinance No. 2010.39

E. Resolutions

- E1. [Request approval of a resolution authorizing the City of Tempe to participate in a collaborative](#)

[management structure with the City of Phoenix, City of Scottsdale and the Salt River-Pima Maricopa Indian Community for the implementation of the Papago Park Regional Master Plan.](#)

COMMENTS

Members of the councils of Tempe, Phoenix, Scottsdale and the Salt River Pima Maricopa Indian Community previously entered into an Intergovernmental Agreement through resolution 2009.87 that developed and defined the scope of a comprehensive regional master plan for Papago Park. Through community involvement, site inventory and analysis, best practices matrix and benchmarking a regional master plan has been established with objectives and priorities to maintain and enhance Papago Park's unique natural, social, cultural, recreational, educational, historic and archeological resources.

DOCUMENT NAME

20101118cssw01 PAPAGO PARK MASTER PLAN (0112-07-01)
Resolution No. 2010.147

- E2. [Request approval of a resolution authorizing the Mayor to execute the Subgrant Award Agreement between the Arizona Department of Public Safety - Victims of Crime Act, Victim Assistance Grant Program and the City of Tempe, for the provision of CARE 7 victim assistance services.](#)

COMMENTS

Under the Subgrant Award, Tempe will receive \$55,995.00 in federal funds. There is no cost to the City of Tempe.

DOCUMENT NAME

20101118cskb01 COMMUNITY SERVICES ADMIN (0701-01)
Resolution No. 2010.143

- E3. [Request approval of a resolution to enter into a Memorandum of Understanding \(MOU\) for data exchange with Maricopa County – Adult Probation Department.](#)

COMMENTS

N/A

DOCUMENT NAME

20101118pdmk03 POLICE DEPT ADMIN (0606-02) Resolution No.
2010.148

- E4. [Request approval of a resolution to accept grant funding from Target to assist with the purchase of a replacement horse and equipment.](#)

COMMENTS

The grant award totals \$1,000.

DOCUMENT NAME

20101118pdmk01 POLICE DEPARTMENT ADMIN (0606-02-00)
Resolution No. 2010.144

- E5. [Request approval of a resolution to accept grant funding from the Charro Foundation to assist with the purchase of a replacement horse and equipment.](#)

COMMENTS

The grant award totals \$1,000.

DOCUMENT NAME

20101118pdmk02 POLICE DEPARTMENT ADMIN (0606-02-00)
Resolution No. 2010.145

- E6. [Request approval of a resolution authorizing the Mayor to sign the Intergovernmental Agreement between the Governor's Office of Economic Recovery and the City of Tempe.](#)

COMMENTS Signing the IGA will authorize Tempe to accept a \$150,000 Public Safety Stabilization Program Grant awarded by the Arizona Governor's Office of Economic Recovery.

DOCUMENT NAME 20101118fdta01 FIRE PARAMEDIC SERVICES ADMIN (0605-01) Resolution 2010.146

- E7. [Request approval of a resolution authorizing the Mayor to execute a development agreement with American Outdoor allowing the installation of freestanding off-premise freeway signs on the properties known as parcel # 132-36-003S adjacent to the Loop 101 Freeway, and #123-28-159 adjacent to Interstate 10 in the City of Tempe.](#)

COMMENTS The City desires to enter into a development agreement with American Outdoor to install two single monopole structures with not more than two (2) faces, each having an overall face size of 14' x 48' and a height not more than 55 feet above road grade. The sign structure may remain for a period not to exceed 15 years, and is subject to design approval in accordance with the process established in the agreement, which requires that the sign have a decorative pole cover and landscaping at the base. The Developer will pay the City \$36,000 per year per sign during the term of the agreement.

DOCUMENT NAME 20101118caac01 COMMUNITY DEVELOPMENT/REDEVELOPMENT PROJECTS (0403) Resolution No. 2010.151

- E8. [Request approval of a resolution authorizing the Mayor to execute a supplement to the Marketplace Implementation Agreement for Parcel No. 1 \(c2004-86\), amending the Agreement to clarify the total number of faces permitted for the previously approved artistic display panels at Tempe Marketplace.](#)

COMMENTS This amendment clarifies that the four (4) artistic display panels currently erected at the Tempe Marketplace are permitted as currently constructed, with a total of three (3) advertising faces.

DOCUMENT NAME 20101118caac02 COMMUNITY DEVELOPMENT/REDEVELOPMENT PROJECTS (0403) Resolution No. 2010.152

6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

1. Citizens concerns regarding policing

B. Unscheduled

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

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Video replay of this meeting is available the next day at www.tempe.gov/tempe11.**